

## **Chesapeake Bay Exception CBE-11-022: 36 Ensigne Spence, Kingsmill**

Staff report for the October 13, 2010 Chesapeake Bay Board Public Hearing

This staff report is prepared by the James City County Environmental Division to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

### **Existing Site Data & Information**

Applicant: Susan Thomas, Wayne Harbin Builder

Land Owner: Francis and Kathleen McRickard  
36 Ensigne Spence  
Williamsburg, Virginia 23185

Location: 36 Ensigne Spence  
PIN: 5021100014

Parcel Size/Zoning: 1.1 +/- acres, R4 Residential Planned Community

Percent of Parcel in RPA: 45% (0.49 +/- acres)

Watershed: College Creek (HUC – JL34)

### **Proposed Impacts**

Impervious Area: approximately 255 square feet

RPA Encroachment: Landward 50 foot RPA Buffer

### **Brief Summary and Description of Activities**

Ms. Sharon Thomas, Wayne Harbin Builders, on behalf of Francis and Kathleen McRickard has applied for an exception to the Chesapeake Bay Ordinance for an encroachment into the RPA buffer for the purpose of constructing a detached garage. The proposed garage will create approximately 255 square feet of impervious cover in the RPA buffer. The applicant proposes to mitigate for this encroachment with 1 canopy tree and 3 shrubs, which meets the County requirements. The owners have also posted a surety guaranteeing the completion of the mitigation. The garage is requested because the existing structure does not have any garages. The owners have also minimized the impacts to the RPA by adjusting the location while still adhering to the zoning setbacks.

The lot was recorded before the 1990 adoption of the Chesapeake Bay Preservation Ordinance. In this case, the exception request is for the construction of a detached garage and will encroach into the RPA buffer. Therefore in accordance with section 23-14 of the Ordinance, an exception must be processed by the Chesapeake Bay Board after a public hearing. Furthermore, staff finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

### **Staff Recommendation**

Staff has reviewed the application and exception request, including the WQIA, and has determined impacts associated with the proposal to be minimal for the proposed construction and that the proposed mitigation measures are adequate. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary local permits as required for the project.
2. All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and with the proposed shrubs being of three gallon size.
3. This exception request approval shall become null and void if construction has not been completed by October 13, 2011 including the required mitigation plantings.
4. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

### **Consideration by the Chesapeake Bay Board**

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-11-022 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-11-022 are included for the Board's use and decision.

Staff Report prepared by:

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Michael D. Woolson  
Senior Watershed Planner

CONCUR:

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Scott J. Thomas  
Secretary to the Board

Attachments: Sensitive Area Activity Application  
GIS photo